

To: envlawprofessors@lists.uoregon.edu[envlawprofessors@lists.uoregon.edu]
From: envlawprofessors-bounces@lists.uoregon.edu
Sent: Fri 8/14/2015 9:05:33 PM
Subject: Re: [Envlawprofessors - UOregon] Animas River spill
ATT00001.txt

Itzchak,

In its August 12 edition, the *Wall Street Journal*, citing an unnamed EPA official, identified Environmental Restoration--an environmental engineering firm based in Fenton, Missouri--as the EPA contractor that worked on the Gold King Mine at the time of the Animas River Spill.

Joel

From: envlawprofessors-bounces@lists.uoregon.edu [mailto:envlawprofessors-bounces@lists.uoregon.edu] **On Behalf Of** Kornfeld Itzchak
Sent: Friday, August 14, 2015 4:02 PM
To: Tim Duane <tpduane@ucsc.edu>; envlawprofessors@lists.uoregon.edu
Subject: Re: [Envlawprofessors - UOregon] Animas River spill

Tim:

The problem for EPA is that has remained silent. Where is Administrator McCarthy? They should be feeding the news media. like one feeds a dog treats - and I do not mean the example to be condescending. EPA ought to be taking state and local officials on tours and have the media in tow.

But, when one remains silent they have nothing to complain about, if as the Agency is doing here, it's getting beat up.

I also agree with you regarding the the point that Zyg raises. One more point, I have not see the name of the contractor, does anyone know who it is?

Best to all.

Itzchak

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On Fri, Aug 14, 2015 at 2:35 PM, Tim Duane <tpduane@ucsc.edu> wrote:

Zyg,

This is a great point. I've also been struck by how both the citizenry and the media have focused on attacking EPA for its contractors' mistakes and generally not talked about this disaster as a predictable consequence of the original mining activity and how liability for the disaster is ultimately traceable to nonexistent regulation of those activities.

Best,

Tim

Tim Duane

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On Aug 14, 2015, at 10:31 AM, Zygmunt Plater <plater@bc.edu> wrote:

I don't know the data, but a possible angle on this Animas River pollution story that has not to my knowledge been noted in media coverage comes from Jared Diamond's book "Collapse." In the first part, "Modern Montana," he avers that the vast cost of repairing the West's mined lands and waters--virtually all being restored at taxpayer expense--greatly exceeds in constant dollars the total revenues harvested from those mined lands by private industry over the years. If that fact is indeed backed up by the data (PERC has attacked the book but presents no pertinent evidence on the point) it could provide a very good teaching moment backdrop to the current Animas River coverage, much of it castigating EPA restoration efforts. Those past substantial mining revenues and their related devastations of the mostly-federal lands came, of course, in an historical opportunity-cost context; it was a time when those Western states desperately needed cash flow and economic

multipliers to develop. But all national policy analysis needs to acknowledge and include an accounting for subsequent public consequences as well as front-end private profits.

If anyone knows more about this overview calculation, could you pass it on to an intelligent journalist, as well as to the list?

Good wishes.

ZP

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On Thu, Aug 13, 2015 at 1:10 PM, Villa, Clifford <villa@law.unm.edu> wrote:

For any of you following the horrific spill of mine contamination into the Animas River last week, with impacts on four SW states, the Navajo Nation, and many other places and people, you may be interested in the op-ed piece published today in the Albuquerque Journal and available at the link below.

Naturally, there is so much more to say here, but while the emergency operations remain in full swing, the op-ed today is a start. If any related questions, please feel free to reply to me offline (at my new UNM email address).

<http://www.abqjournal.com/627504/opinion/clearing-up-questions-on-river-spill.html>

Best Regards,

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